

(b) ~~[If the governor finds that the demands placed on funds regularly appropriated to state and local agencies are unreasonably great for coping with a particular disaster, the governor with the concurrence of the disaster emergency funding board may make funds available from the disaster contingency fund.]~~ It is the intent of the legislature that *in responding to an emergency or disaster, the first recourse of state and local agencies should be to the funds regularly appropriated to those [state and local] agencies.*

(c) *A state agency, local government, or other eligible entity may request funding from the disaster contingency fund to pay for:*

(1) *extraordinary costs incurred in implementing preventive measures taken before or during an emergency; and*

(2) *costs incurred in repairing damage suffered during a disaster for which:*

(A) *the presiding officer of a municipal or county government has declared a local state of disaster for affected areas within the jurisdiction of the municipality or county; and*

(B) *the governor has also declared a state of disaster for the affected county or counties.*

(d) *The governor's division of emergency management shall administer the disaster contingency fund and shall develop and implement rules and procedures for providing emergency assistance from the fund.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed by the House on May 7, 2007: Yeas 138, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2694 on May 23, 2007: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective June 15, 2007.

CHAPTER 1251

H.B. No. 2703

AN ACT

relating to interference with the duties of a public health professional; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 38.15(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:

(1) a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law;

(2) a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty;

(3) a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;

(4) an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;

(5) the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency; [or]

(6) an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code; or

(7) a person who:

(A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

(B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

(C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and

(D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2007.

Passed by the House on May 4, 2007: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 23, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective September 1, 2007.

CHAPTER 1252

H.B. No. 2718

AN ACT

relating to treatment of retrospective premiums for group life insurance issued through certain nonprofit membership associations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1131.503, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of Sections 222.002, 257.001, and 281.004, only the final retrospectively determined premium amount remitted to the issuer by the group policyholder is taxable as gross premiums, without regard to whether membership contributions, fees, assessments, dues, revenues, or other considerations in excess of that final amount are also collected from members. This subsection applies only to a nonprofit membership association that:

(1) qualifies under Section 501(c)(9), Internal Revenue Code of 1986;

(2) has been in existence for at least 50 years;

(3) limits association membership to:

(A) members of the uniformed services of the United States serving on active duty;

(B) members of the ready reserve forces of the United States, including the Army and Air National Guard;

(C) retirees and separatees of:

(i) the uniformed services of the United States; or

(ii) the ready reserve forces of the United States, including the Army and Air National Guard;